

**MDL 1570 PLAINTIFFS' EXECUTIVE COMMITTEE FOR PERSONAL  
INJURY AND DEATH CLAIMS**

In re: Terrorist Attacks on September 11, 2001 (S.D.N.Y.)

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October 7, 2020

Via ECF

The Honorable George B. Daniels  
United States District Court  
Southern District of New York  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, New York 10007

RE: *In Re: Terrorist Attacks on September 11, 2001*, 03 MDL 1570 (GBD) (SN)  
*Ashton et al. v. al Qaeda et al.*, 02-cv-6977 (GBD) (SN)

Dear Judge Daniels:

The Plaintiffs' Executive Committee for Personal Injury and Death Claims ("PEC") write to the Court to respectfully request an extension of time by which to file objections to the September 30, 2020 decision by Magistrate Judge Netburn on motions to reconsider and clarify the establishment of a common benefit fund. *See* ECF No. 6481. Under Fed.R.Civ.P. 72, the PEC would have 14 days to file any objections to ECF No. 6481. Given competing time demands on the PEC attorneys responsible for filing such objections, the PEC respectfully ask this Court to extend the date by which objections must be filed by twenty-one days, until November 4, 2020. The PEC also asks that this Court stay that portion of the September 30, 2020 decision directing production of information to the magistrate court during the pendency of the objections, and extend that time until 30 days after a ruling on objections (should this Court adopt the magistrate court's decision.) *See* ECF No. 6481 at 12.

We have asked opposing counsel for their position and they have advised us that they do not consent to an extension of time because: (1) they do not believe ECF No. 6481 is subject to any objections; (2) they believe "time is of the essence"; and (3) they do not believe any further delay is warranted.

This is the first request for an extension of time. Notwithstanding opposing counsel's concerns, we believe a twenty-one day extension of time is reasonable and warranted here. The PEC must make objections (whether this Court considers ECF No. 6481 non-dispositive, in which case the objections would be lodged under Fed.R.Civ.P. 72(a), or dispositive, in which case they

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would fall within Fed.R.Civ.P. 72(b)) or risk a waiver argument. Further, the relatively short period of time sought here is necessary given the allocation of counsel's time, which includes pending federal appellate matters in other cases in the Second and Fourth Circuits, as well as the ongoing demands of the liability suit against other MDL defendants. The extension of time by which the information that the Magistrate Judge directed be produced is also reasonable given that, in addition to the demands on time noted above, should this Court not adopt or endorse the Magistrate Judge's rulings or order in their entirety, it is possible that the work necessary to comply with ECF No. 6481 would have been unnecessary. Last, any arguable prejudice imposed by this short adjournment and commensurate extension of time to comply with the directive in ECF No. 6481 does not outweigh the equitable considerations in favor of allowing the PEC the time necessary to submit their objections.

For all of these reasons, the PEC respectfully requests that this Court: (a) extend the time by which the PEC must file objections to ECF No. 6481 until November 4, 2020; and (b) adjust any deadline concerning production of materials to 30-days following a decision on those objections.

Respectfully submitted,

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cc: All Counsel of Record via ECF